

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

LATASHA MARTIN

PLAINTIFF

V.

CIVIL ACTION NO.1:07CV247-NBB-JAD

DOLLAR GENERAL CORPORATION

DEFENDANT

REPORT AND RECOMMENDATION

On review of the docket of the court, it appears that the plaintiff has failed to keep the court advised of her current whereabouts. On December 12, and December 19 the court's mail to the plaintiff was returned as undeliverable. Additionally the defendant has a pending motion to compel alleging the failure of the plaintiff to comply with her discovery obligations.

The undersigned therefore recommends that the above action be dismissed without prejudice for failure to prosecute. A copy of this report and recommendation shall be mailed to the plaintiff's last known address.

The parties are referred to 28 U.S.C. 636(b)(1) and Local Rule 72.1(C) for the appropriate procedure in the event any party desires to file objections to these findings and recommendations. Objections are required to be in writing and must be filed within ten days of this date. Failure to file written objections to the proposed finding and recommendations contained in this report within ten days from the date of filing will bar an aggrieved party from challenging on appeal both the proposed factual findings and the proposed legal conclusions accepted by the district court *Douglass v. United Services Automobile Association*, 79 F.3d 1415 (5th Cir. 1996).

Plaintiff is directed to acknowledge receipt of this report and recommendation by signing the enclosed acknowledgment form and returning it to the court within ten days of this date. Plaintiff is warned that failure to comply with the requirements of this paragraph may lead to the

dismissal of this lawsuit under F.R.Civ.P. 41(b) for failure to prosecute and for failure to comply with an order of the court.

This the 13th day of January, 2009.

/s/ JERRY A. DAVIS
UNITED STATES MAGISTRATE JUDGE